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UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

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XL SPECIALTY INSURANCE COMPANY, :
: Plaintiff,
: :
: v. : No. 08-CV-3821 (GEL)
: :
: JOHN D. AGOGLIA, et al. :
: :
: Defendants. :
-----X

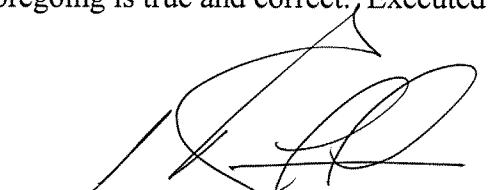
I, Ari R. Magedoff, hereby declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, as follows:

1. On July 11, 2008 I caused copies of the NOTICE OF MOTION OF PLAINTIFF XL SPECIALTY INSURANCE CO. FOR SUMMARY JUDGMENT, STATEMENT OF UNDISPUTED FACTS PURSUANT TO LOCAL RULE 56.1 IN SUPPORT OF MOTION BY PLAINTIFF XL SPECIALTY INSURANCE COMPANY FOR SUMMARY JUDGMENT, AFFIDAVIT OF JAMES SANDNES, DECLARATION OF HANK TOOLAN, MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF PLAINTIFF XL SPECIALTY INSURANCE COMPANY FOR SUMMARY JUDGMENT and THE INSURERS' JOINT EXHIBITS ("IJX") VOLUMES I-III to be served upon all parties who have not yet registered to receive e-notices in the above-captioned action but consented to electronic service via e-mail by electronically sending same to the following counsel as follows:

| Party | Counsel |
|------------------|---|
| Philip Silverman | Richard Cashman, Esq. Eric Creizman, Esq. Heller Ehrman LLP 7 Times Square New York, NY 10036 Richard.cashman@hellerehrman.com eric.creizman@hellerehrman.com |

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 15, 2008.

Dated: July 15, 2008



Ari R. Magedoff (AM-1117)

Sworn to before me this 15th
day of July, 2008

Michelle Diaz
Notary Public

MICHELLE A. DIAZ
Notary Public, State of New York
No. 01DI5061417
Qualified in Kings County
Commission Expires 07/10/2010